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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,993	10/03/2000	Curt J. Witte	9201-3	5689
20792	7590	04/21/2006	EXAMINER	
MYERS BIGEL SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627			MEINECKE DIAZ, SUSANNA M	
			ART UNIT	PAPER NUMBER
			3623	

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/677,993	WITTE ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Susanna M. Diaz	3623

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 24 January 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-14,16-23,25,26,28-39,41-48,50-61 and 63-67 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-7,10-14,16-23,25,26,28-32,35-39,41-48,50-54,57-61 and 63-67 is/are rejected.
- 7) Claim(s) 8,9,33,34,55 and 56 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

1. This non-final action is responsive to Applicant's response filed January 24, 2006.

A new examiner has taken over prosecution of the instant application.

Claims 1, 3-14, 16-23, 25, 26, 28-39, 41-48, 50-61, and 63-67 are presented for examination.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 3-14, 16-23, 25, 26, 28-39, 41-48, 50-61, and 63-67 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-7, 10-14, 16-23, 25, 26, 28-32, 35-39, 41-48, 50-54, 57-61, and 63-67 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webhire (as disclosed in "Webhire Links Corporate Recruiting Desktops to Over 2,000 Job Posting Sites") in view of Callan et al. ("Searching Distributed Collections With Inference

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Networks") and further in view of Qureshi et al. ("Artificial Intelligence in Accounting and Business").

Webhire discloses a method of selecting a job post site, comprising:

[Claim 1] obtaining at least one job post site selection criterion (Webhire: ¶ 6 – "Corporate recruiters indicate the type of position they are filling, for example, engineering or accounting, and quickly receive an online listing of the specific job sites within the service that are most likely to attract qualified candidates for those specific openings");

automatically ranking a plurality of job post sites based on the at least one job post site selection criterion (Webhire: ¶¶ 2, 6 – "...quickly receive an online listing of the specific job sites within the service that are most likely to attract qualified candidates for those specific openings." By identifying the best web sites, it is understood that the best web sites are ranked more highly than other existing job posting sites);

selecting the job post site from the plurality of job post sites based on the ranking of the plurality of job post sites (Webhire: ¶ 5 – "Using Webhire's integrated job posting, corporate recruiters enter a job description once, and with just a few mouse clicks, send that job to any or all of the over two thousand recruiting destinations now available");

[Claim 3] wherein obtaining the at least one job post site selection criterion comprises:

obtaining a geographic location criterion (Webhire: ¶ 6 – "Job site searches can also be targeted regionally");

obtaining a skill set criterion (Webhire: ¶ 6 – “Corporate recruiters indicate the type of position they are filling, for example, engineering or accounting, and quickly receive an online listing of the specific job sites within the service that are most likely to attract qualified candidates for those specific openings.” A specific job position is understood to require a particular skill set criterion); and

obtaining a job post site performance criterion that is indicative of a value of a job post site in acting as a source for candidates (Webhire: ¶ 6 – “Corporate recruiters indicate the type of position they are filling, for example, engineering or accounting, and quickly receive an online listing of the specific job sites within the service that are most likely to attract qualified candidates for those specific openings. Job site searches can also be targeted regionally or focused on specific attributes, such as diversity candidates or college graduates”);

[Claim 4] wherein automatically ranking the plurality of job post sites based on the at least one job post site selection criterion comprises:

identifying job post sites of the plurality of job post sites that satisfy the geographic location criterion (Webhire: ¶¶ 2, 5, 6);

ranking the identified job post sites that satisfy the geographic location criterion based on the job post site performance criterion to generate a geographic location and job post site performance ranked list of job post sites (Webhire: ¶¶ 2, 5, 6);

identifying job post sites of the plurality of job post sites that satisfy the skill set criterion (Webhire: ¶¶ 2, 5, 6); and

ranking the identified job post sites that satisfy the skill set criterion based on the job post site performance criterion to generate a skill set and job post site performance ranked list of job post sites (Webhire: ¶¶ 2, 5, 6).

Regarding claim 1, Webhire does not expressly disclose how the job post sites are ranked; however, it is clear that Webhire must use some established methodology for successfully performing such a task. The Examiner submits that there were various approaches to ranking search results by relevance at the time of Applicant's invention. For example, Callan discusses the use of inference networks (which inherently utilize inference engines) to rank document collections based on the relevance of the documents to a given query (Callan: ¶¶ 1, 14-21). The Examiner submits that inference networks/engines require use of a fact table, such as a knowledge or experience base, in order to make decisions. This assertion is supported in ¶¶ 6 and 10 of Qureshi. Qureshi also explains several benefits of expert systems, such as those incorporating inference engines. These benefits include: consistency and reliability, completeness and timeliness in reviewing transactions, quicker decision making than human experts, greater security than an expert employee who may leave the company for a competitor, capture and documentation of scarce expertise, etc. (Qureshi: ¶ 38). Since Webhire must use some methodology for ranking its job post sites and the use of inference engines (in combination with a knowledge/experience base, i.e., a fact table) to rank document results based on relevance to a specified query is old and well-known (as taught by Callan and Qureshi), the Examiner submits that it would have been obvious to

one of ordinary skill in the art at the time of Applicant's invention to modify Webhire to access a fact table that contains data relevant to the at least one job post site selection criterion and use an inference engine to process the at least one job post site selection criterion and the fact table to rank the plurality of job post sites based on the at least one job post site selection criterion in order to reap the benefits of inference engines, including consistency and reliability, completeness and timeliness in reviewing transactions, quicker decision making than human experts, greater security than an expert employee who may leave the company for a competitor, capture and documentation of scarce expertise, etc. (as taught by Qureshi: ¶ 38).

Regarding claims 5-7, the Webhire-Callan-Qureshi combination discussed above addresses a modified version of Webhire that effectively uses an inference engine to rank job post sites based on a query specifying geographic location, skill set, and job post site performance criteria. Claims 5-7 are directed toward the details of looking up geographic location, skill set, and job post site performance criteria in a fact table, which has already been addressed by the Webhire-Callan-Qureshi combination; therefore, the limitations of claims 5-7 are similarly deemed to be addressed by the rejection of claims 1, 3, and 4 above.

Webhire discloses a method for posting a job opening description, comprising:  
[Claim 10] obtaining at least one job post site selection criterion (Webhire: ¶ 6 – "Corporate recruiters indicate the type of position they are filling, for example, engineering or accounting, and quickly receive an online listing of the specific job sites

within the service that are most likely to attract qualified candidates for those specific openings");

automatically ranking a plurality of job post sites based on the at least one job post site selection criterion (Webhire: ¶¶ 2, 6 – "...quickly receive an online listing of the specific job sites within the service that are most likely to attract qualified candidates for those specific openings." By identifying the best web sites, it is understood that the best web sites are ranked more highly than other existing job posting sites);

selecting the job post site from the plurality of job post sites based on the ranking of the plurality of job post sites (Webhire: ¶ 5 – "Using Webhire's integrated job posting, corporate recruiters enter a job description once, and with just a few mouse clicks, send that job to any or all of the over two thousand recruiting destinations now available");

posting the job opening description to the selected at least one job post site (Webhire: ¶ 5 – "Using Webhire's integrated job posting, corporate recruiters enter a job description once, and with just a few mouse clicks, send that job to any or all of the over two thousand recruiting destinations now available");

[Claim 12] wherein selecting the at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites comprising:

displaying the ranked plurality of job post sites to an end user (Webhire: ¶¶ 2, 5, 6); and

obtaining user input to select the at least one job post site from the ranked plurality of job post sites from the end user (Webhire: ¶¶ 2, 5, 6);

[Claim 13] wherein selecting the at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites comprises:

selecting the at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites independent of user input (Webhire: ¶¶ 2, 5, 6);

[Claim 14] wherein posting the job opening description to the selected at least one job post site comprises:

converting the job opening description into a format compatible with the selected at least one job post site (Webhire: ¶¶ 2, 5, 6 -- Conversion of data into a proper format for a given website is inherent to Internet communications); and

sending the converted job opening description to the at least one job post site (Webhire: ¶¶ 2, 5, 6);

[Claim 16] obtaining a job post site performance criterion that is indicative of a value of a job post site in acting as a source for candidates (Webhire: ¶¶ 2, 5, 6); and

wherein the at least one job post site selection criterion comprises:

a geographic location criterion (Webhire: ¶¶ 2, 5, 6); and

a skill set criterion (Webhire: ¶¶ 2, 5, 6);

[Claim 17] wherein ranking the plurality of job post sites based on the at least one job post site selection criterion comprises:

identifying job post sites of the plurality of job post sites that satisfy the geographic location criterion (Webhire: ¶¶ 2, 5, 6);

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automatically ranking the identified job post sites that satisfy the geographic location criterion based on the job post site performance criterion to generate a geographic location and job post site performance ranked list of job post sites (Webhire: ¶¶ 2, 5, 6);

identifying job post sites of the plurality of job post sites that satisfy the skill set criterion (Webhire: ¶¶ 2, 5, 6); and

automatically ranking the identified job post sites that satisfy the skill set criterion based on the job post site performance criterion to generate a skill set and job post site performance ranked list of job post sites (Webhire: ¶¶ 2, 5, 6);

[Claim 18] automatically ranking the geographic location and job post site performance ranked list of job post sites with the skill set and job post site performance ranked list of job post sites to generate a geographic location, skill set, and job post site performance ranked list of job post sites (Webhire: ¶¶ 2, 5, 6);

[Claim 19] wherein selecting the at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites comprises:

selecting the job post sites in the geographic location, skill set, and job post site performance ranked list of job post sites (Webhire: ¶¶ 2, 5, 6);

[Claim 20] wherein posting the job opening description to the selected at least one job post site comprises:

converting the job opening description into a respective format compatible with a respective one of the job post sites in the geographic location, skill set, and job post site

performance ranked list of job post sites (Webhire: ¶¶ 2, 5, 6 -- Conversion of data into a proper format for a given website is inherent to Internet communications); and

    sending the respective converted job opening description to the respective one of the job post sites in the geographic location, skill set, and job post site performance ranked list of job post sites (Webhire: ¶¶ 2, 5, 6 -- Conversion of data into a proper format for a given website is inherent to Internet communications);

[Claim 21]   wherein selecting the at least one job post site from the plurality of job post sites based on the ranking of the plurality of job post sites comprises:

    displaying the geographic location, skill set, and job post site performance ranked list of job post sites to an end user (Webhire: ¶¶ 2, 5, 6); and

    obtaining user input to select the at least one job post site from the geographic location, skill set, and job post site performance ranked list of job post sites from the end user (Webhire: ¶¶ 2, 5, 6);

[Claim 22]   wherein posting the job opening description to the selected at least one job post site comprises:

    converting the job opening description into a format compatible with the at least one job post site from the geographic location, skill set, and job post site performance ranked list of job post sites obtained from the end user (Webhire: ¶¶ 2, 5, 6 -- Conversion of data into a proper format for a given website is inherent to Internet communications); and

sending the converted job opening description to the at least one job post site from the geographic location, skill set, and job post site performance ranked list of job post sites obtained from the end user (Webhire: ¶¶ 2, 5, 6).

Regarding claim 10, Webhire does not expressly disclose how the job post sites are ranked; however, it is clear that Webhire must use some established methodology for successfully performing such a task. The Examiner submits that there were various approaches to ranking search results by relevance at the time of Applicant's invention. For example, Callan discusses the use of inference networks (which inherently utilize inference engines) to rank document collections based on the relevance of the documents to a given query (Callan: ¶¶ 1, 14-21). The Examiner submits that inference networks/engines require use of a fact table, such as a knowledge or experience base, in order to make decisions. This assertion is supported in ¶¶ 6 and 10 of Qureshi. Qureshi also explains several benefits of expert systems, such as those incorporating inference engines. These benefits include: consistency and reliability, completeness and timeliness in reviewing transactions, quicker decision making than human experts, greater security than an expert employee who may leave the company for a competitor, capture and documentation of scarce expertise, etc. (Qureshi: ¶ 38). Since Webhire must use some methodology for ranking its job post sites and the use of inference engines (in combination with a knowledge/experience base, i.e., a fact table) to rank document results based on relevance to a specified query is old and well-known (as taught by Callan and Qureshi), the Examiner submits that it would have been obvious to

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one of ordinary skill in the art at the time of Applicant's invention to modify Webhire to access a fact table that contains data relevant to the at least one job post site selection criterion and use an inference engine to process the at least one job post site selection criterion and the fact table to rank the plurality of job post sites based on the at least one job post site selection criterion in order to reap the benefits of inference engines, including consistency and reliability, completeness and timeliness in reviewing transactions, quicker decision making than human experts, greater security than an expert employee who may leave the company for a competitor, capture and documentation of scarce expertise, etc. (as taught by Qureshi: ¶ 38).

Regarding claim 11, Webhire does not expressly teach that the job opening description comprises an extensible markup language (XML) data stream; however, Official Notice is taken that it is old and well-known in the art of web-based programming to encode web sites that pull information from databases using XML since XML provides the benefit of more efficient dynamic content management. Since Webhire is implemented over the Internet and manages job posting information (which tends to be very dynamic in nature), the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the Webhire-Callan-Qureshi combination's job opening description to comprise an extensible markup language (XML) data stream in order to facilitate more efficient management of the dynamic content.

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[Claims 23, 25] Claims 23 and 25 recite limitations already addressed by the rejection of claims 1, 3-7, 10-14, and 16-22 above; therefore, the same rejection applies. Furthermore, as per claim 23, while neither Webhire nor Callan nor Qureshi expressly teaches that a search query is parsed before the search is run, Official Notice is taken that it is old and well-known in the art of database management to run searches off of a parsed query. This search strategy facilitates natural language-based searching, which is easier for many people to use since many users find it more intuitive than creating structured queries (especially if the users do not have much programming knowledge). Therefore, the Examiner submits that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to modify the Webhire-Callan-Qureshi combination to incorporate a job opening description parser module that is configured to parse the job opening description to obtain at least one job post site selection criterion in order to provide users with an interface that is more intuitive than creating structured queries (especially if the users do not have much programming knowledge).

Regarding claim 25, conversion of data into a proper format for a given website is inherent to Internet communications and web site generation; therefore, the recited conversion functionality is addressed by the Webhire-Callan-Qureshi combination.

[Claims 26, 28-32] Claims 26 and 28-32 recite limitations already addressed by the rejection of claims 1 and 3-7 above; therefore, the same rejection applies.

[Claims 35-39, 41-47] Claims 35-39 and 41-47 recite limitations already addressed by the rejection of claims 10-14 and 16-22 above; therefore, the same rejection applies.

[Claims 48, 50-54] Claims 48 and 50-54 recite limitations already addressed by the rejection of claims 1 and 3-7 above; therefore, the same rejection applies.

[Claims 57-61, 63-67] Claims 57-61 and 63-67 recite limitations already addressed by the rejection of claims 10-14 and 16-22 above; therefore, the same rejection applies.

#### ***Allowable Subject Matter***

5. Claims 8, 9, 33, 34, 55, and 56 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The closest prior art of record is Webhire (as disclosed in "Webhire Links Corporate Recruiting Desktops to Over 2,000 Job Posting Sites") in view of Callan et al. ("Searching Distributed Collections With Inference Networks") and further in view of Qureshi et al. ("Artificial Intelligence in Accounting and Business"). The combination of these references addresses a system/method for ranking the best job sites for posting job opportunities. The job sites can be ranked based on geographic location, skill set, and job post site performance using an inference engine with a fact table. However, neither of these references expressly teaches or suggests the ranking of these job sites by "computing, for each respective job post site in the geographic location and job post site performance ranked list of job post sites and the skill set and job post site

performance ranked list of job post sites, a weighted average using ranks assigned to the respective job post site in the geographic location and job post site performance ranked list of job post sites and the skill set and job post site performance ranked list of job post sites” (which is recited in claims 8, 33, and 55); therefore, claims 8, 33, and 55 are deemed to be allowable over the prior art of record. Similarly, neither of these references expressly teaches or suggests the ranking of these job sites by “computing, for each respective job post site in the geographic location and job post site performance ranked list of job post sites and the skill set and job post site performance ranked list of job post sites, an average using ranks assigned to the respective job post site in the geographic location and job post site performance ranked list of job post sites and the skill set and job post site performance ranked list of job post sites” (which is recited in claims 9, 34, and 56); therefore, claims 9, 34, and 56 are deemed to be allowable over the prior art of record.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (571) 272-6733. The examiner can normally be reached on Monday-Friday, 10 am - 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Susanna M. Diaz  
Primary Examiner  
Art Unit 3623

April 17, 2006